

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMERICAN HALLMARK INSURANCE
COMPANY OF TEXAS,

Plaintiff,

v.

JIREH ASPHALT AND CONCRETE INC,

Defendant.

CASE NO. C21-0365-JCC

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable John C. Coughenour, United States District Judge:

Plaintiff filed this action in March 2021 seeking a declaratory judgment that it has no duty under an insurance policy to defend or indemnify Defendant in connection with an underlying state court lawsuit. (*See generally* Dkt. No. 1.)

Defendant has not answered the complaint. Plaintiff has moved for summary judgment. (Dkt. No. 13.) Defendant's response to that motion says that "Defendant does not contest any factual or legal issue raised in Plaintiff's Motion for Summary Judgment[,] and Defendant recognizes that the Court may deem this filing to constitute consent by Defendant that [Plaintiff] is entitled to the granting of said motion." (Dkt. No. 15 at 1.)

Article III, section 2 of the Constitution limits federal courts to deciding cases that

1 “embody a genuine, live dispute between adverse parties” and thus bars courts from issuing
2 advisory opinions. *See Carney v. Adams*, 141 S. Ct. 493, 498 (2020). “If there is no longer a live
3 dispute between the parties . . . a case is moot.” *Chew v. Gates*, 27 F.3d 1432, 1437 (9th Cir.
4 1994).

5 Defendant’s concession that it does not contest any factual or legal issue raised in
6 Plaintiff’s summary judgment motion suggests the absence of a live dispute. If that is the case,
7 ruling on Plaintiff’s summary judgment motion might constitute an impermissible advisory
8 opinion.

9 It is thus ORDERED as follows:

- 10 1. Plaintiff’s motion for summary judgment is RENOTED for September 24, 2021.
- 11 2. Within 14 days of the date of this Order, the parties will show cause why this case
12 should not be dismissed as moot.

13 DATED this 10th day of September 2021.

14 Ravi Subramanian
Clerk of Court

15 s/Sandra Rawski
16 Deputy Clerk